



City Manager's Report
Submitted by Stephen Jenkins, Chief of Police
Item Number: 23-389
November 28, 2023

Title: Red Light Cameras

Issue:

- **Adoption of an ordinance to amend Chapter 22 (Motor Vehicles and Traffic) of the Code of the City of Portsmouth, Virginia by adding a new Article XVII authorizing the use of red-light cameras for traffic enforcement.**

Background:

- By Ordinance 2023-37 adopted on May 9, 2023, City Council amended the City Code to authorize the implementation of a camera speed monitoring enforcement program in school crossing zones and highway work zones.
- The program is administered by a private company named Altumint and overseen by the Portsmouth Police Department.
- The Police Department is now recommending the adoption of a new traffic signal enforcement program that will utilize video monitoring to enforce traffic signal laws.
- This program would involve the installation of video monitoring, commonly known as "red light cameras", at selected traffic signals within Portsmouth.

Discussion:

- The traffic signal enforcement program is authorized by Section 15.2-968.1 of the Code of Virginia and would operate similarly to the camera speed monitoring enforcement program. The program would be administered by Altumint and overseen by the Portsmouth Police Department.
- Under the program, the operator of a vehicle who violates traffic laws by entering an intersection when a light is red would be subject to a \$50 fine. By law, the violation would not be made part of the operator's driving record or used for insurance purposes.
- No citation for a violation will be issued unless the video evidence has first been reviewed and certified by a member of the Portsmouth Police Department.
- Under Virginia law, the red light cameras can be installed at no more than nine intersections. Conspicuous signs must be installed at all intersections at which the cameras are in use.
- A public awareness campaign will be undertaken before the initial rollout of the program, which is anticipated for February 2024.

Financial Impact:

- The City will receive the net revenues from the program.

Recommended Action:

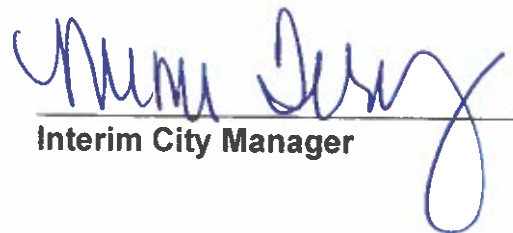
- Adoption of the ordinance.

Next Steps Following Council Action:

- The intersections at which cameras will be installed will be selected.
- A public outreach campaign will be conducted.
- The program is anticipated to commence in February 2024.

Attachments:

- Ordinance
- Exhibit A



Interim City Manager

EXHIBIT A

ARTICLE XVII. – PHOTO-MONITORING SYSTEMS TO ENFORCE TRAFFIC LIGHT SIGNALS.

Sec. 22-841. – Legal authority.

This article is adopted pursuant to the authority of Code of Virginia, § 15.2-968.1.

Sec. 22-842. Use of photo-monitoring systems to enforce traffic light signals.

- (a) For purposes of this section:
 - (1) "Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles.
 - (2) "Traffic light signal violation monitoring system" means a vehicle sensor installed to work in conjunction with a traffic light that automatically produces two (2) or more photographs, two (2) or more microphotographs, video, or other recorded images of each vehicle at the time it is used or operated in violation of Code of Virginia, §§ 46.2-833, 46.2-835 and 46.2-836. For each such vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one recorded image shall be of the same vehicle after it has illegally entered that intersection.
- (b) The city manager is hereby authorized to establish a traffic signal enforcement program and to impose monetary liability on the operator of a motor vehicle for failure to comply with traffic light signals in accordance with the provisions of Code of Virginia, § 15.2-968.1. The city manager shall have the authority to implement the provisions of this section and promulgate the rules and regulations necessary to administer the traffic signal enforcement program in compliance with all requirements of Code of Virginia, § 15.2-968.1 and this section.
- (c) The city manager shall cause the installation and operation of traffic light signal violation monitoring systems at no more than one intersection for every 10,000 residents within the city at any one time.
- (d) When selecting potential intersections for the traffic light signal violation monitoring system, the city manager shall consider factors such as the accident rate for the intersection; the rate of red light violations occurring at the intersection (number of violations per number of vehicles); the difficulty experienced by law-enforcement officers in patrol cars or on foot in apprehending violators; and the ability of law-enforcement officers to apprehend violators safely within a reasonable distance from the violation. The city manager may also consider the risk to pedestrians as a factor.
- (e) Before the implementation of a traffic light signal violation monitoring system at an intersection, the city manager shall complete an engineering safety analysis that addresses signal timing and other location-specific safety features. The length of

the yellow phase shall be established based on the recommended methodology of the Institute of Transportation Engineers. All traffic light signal violation monitoring systems shall provide a minimum 0.5-second grace period between the time the signal turns red and the time the first violation is recorded. If recommended by the engineering safety analysis, the city shall make reasonable location-specific safety improvements, including signs and pavement markings,

- (f) Prior to or coincident with the implementation or expansion of a traffic light signal violation monitoring system, the city manager shall cause the implementation of a public awareness program, advising the public that the city is implementing or expanding a traffic light signal violation monitoring system,
- (g) The city manager shall cause the placement of conspicuous signs within 500 feet of any intersection approach at which a traffic light signal violation monitoring system is in use. There shall be a rebuttable presumption that such signs were in place at the time of the commission of a traffic light signal violation.
- (h) The city manager shall cause the evaluation of the traffic light signal violation monitoring system on a monthly basis to ensure that all cameras and traffic signals are functioning properly. Evaluation results shall be made available to the public,
- (i) A private entity may enter into an agreement with the city to be compensated for the installation and operation by the private entity of traffic light signal violation monitoring systems and related services as permitted by and subject to the restrictions imposed by Code of Virginia, § 15.2-968.1. However, only a law enforcement officer employed by the city may swear to or affirm the certificate required by subsection (m). The city shall not enter into an agreement for compensation based on the number of violations or monetary penalties imposed.
- (j) Information collected by a traffic light signal violation monitoring system installed and operated pursuant to this section shall be limited exclusively to that information that is necessary for the enforcement of traffic light violations. On behalf of the city, a private entity that operates a traffic light signal violation monitoring system may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of Code of Virginia, § 46.2-208(B)(21), to obtain vehicle owner information regarding the registered owners of vehicles that fail to comply with a traffic light signal. Information provided to the operator of a traffic light signal violation monitoring system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system, and used only for enforcement against individuals who violate the provisions of this section. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other personal information collected by a traffic light signal violation monitoring system shall be used exclusively for enforcing traffic light violations and shall not be open to the public, be sold or used for sales, solicitation, or marketing purposes, be disclosed to any other entity except as may be necessary for the enforcement of a traffic light violation or to a vehicle owner or operator as part of a challenge to the violation, or be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of Code of Virginia, §§ 46.2-830, 46.2-833, 46.2-835, or 46.2-836, or a substantially similar

ordinance or law in any other jurisdiction, or requested upon order from a court of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. If the city does not execute a summons for a violation of this section within 10 business days, all information collected pertaining to that suspected violation shall be purged within two business days. Any person who discloses personal information collected by a traffic light signal violation monitoring system in violation of the provisions of Code of Virginia, § 15.2-968.1 shall be subject to a civil penalty of one thousand dollars per disclosure. Any unauthorized use or disclosure of such personal information shall be grounds for termination of the agreement between the Department of Motor Vehicles and the private entity administering the traffic light signal violation monitoring system.

- (k) The operator of a vehicle shall be liable for a monetary penalty of \$50 if such vehicle is found, as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal within the city. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. Any person found liable under this section may contest the summons as provided by Code of Virginia, § 15.2-968.1.
- (l) A summons for a violation of this section may be executed pursuant to Code of Virginia, § 19.2-76.2. Notwithstanding the provisions of Code of Virginia, § 19.2-76, a summons for a violation of this section may be executed by mailing by first class mail a copy thereof to the owner, lessee, or renter of the vehicle pursuant to the requirements of Code of Virginia, § 15.2-968.1. In addition to the summons, every such mailing shall include notice of the summoned person's ability to rebut the presumption that they were the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection (n) and instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in Code of Virginia, § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for a violation of this section shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect information collected by a traffic light signal violation monitoring system in connection with the violation.
- (m) Proof of a violation of this section shall be evidenced by information obtained from a traffic light signal violation monitoring system authorized pursuant to Code of Virginia, § 15.2-968.1 and this section. A certificate, sworn to or affirmed by a law-enforcement officer employed by the city, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available

for inspection in any proceeding to adjudicate the liability for such violation pursuant to Code of Virginia, § 15.2-968.1 and this section.

(n) In the prosecution for a violation as provided in this article, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of this article, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle;

(1) Files an affidavit by regular mail with the clerk of the Portsmouth General District Court that they were not the operator of the vehicle at the time of the alleged violation; or

(2) Testifies in open court under oath that they were not the operator of the vehicle at the time of the alleged violation.

Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section, is presented, prior to the return date on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

(o) No monetary penalty imposed under this section shall exceed the maximum amount allowable as set forth in Code of Virginia, § 15.2-968.1, nor shall it include court costs. Any finding in a district court that an operator has violated this section shall be appealable to the circuit court in a civil proceeding.

(p) Notwithstanding any other provision of this section, if a vehicle depicted in images recorded by a traffic light signal violation monitoring system is owned, leased, or rented by the city, then the city may access and use the recorded images and associated information for employee disciplinary purposes.